

REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION



IRRIGATED LANDS CONDITIONAL WAIVER

24 April 2003

Presentation Overview

- How did we get here?
- Issues
- Conditional Waiver Revision (Waiver Order)
- CEQA
- Additional efforts
- Preliminary comments
- Where do we go from here?

How Did We Get Here?

- Law changed: Sunset of 82 waiver, limited to 5 Yr. terms, ensure compliance, civil liability for violations
- Agriculture wanted coverage of a waiver
- Conditional Waiver adopted 5 Dec 02
- Board considered rescinding the next day
 - numerous issues raised
 - insufficient time for full analysis

How Did We Get Here? (cont.)

- Synthesize issues
- Analysis and recommendations
- Staff considered issues raised by all interests
- Proposed revisions designed to:
 - address issues
 - ensure compliance
 - scientific defensibility

How Did We Get Here? (cont.)

- Ensure compliance
- Waivers not appropriate in all circumstances
- Passive approach (82 waiver) no longer defensible
 - Changes to law
 - Data documenting impacts
- Scope of this waiver & water quality conditions
 - more conditions and structure needed

How Did We Get Here? (cont.)

- Scientific Defensibility: MRP
- Board Direction & Public Comments
 - Clearer direction to Dischargers
 - Ensure robust, valid data produced
 - Comparability
 - Consistent with other programs
 - Clear insertions points for Board and public

Issues – Staff Report

- Goal
- Identification of Dischargers
- Fees
- Prioritization
- Implementation
- Board Report Review
- Water Quality Mgmt Plans
- Drinking Water COCs
- Annual Update of Watershed Plan
- Wetlands
- Rice
- Monitoring and Reporting

Primary Issues

- Goal
- Fees
- Identification
- Monitoring and Reporting

Goal of Waiver

- 1982 Waiver Replacement
- Watershed Management Approach
- Water Quality Monitoring
- Watershed Data Collection
- Implementation of BMPs

Fees

- Dec 2002 – Waived ROWD and Fees
- Proposed Waiver Order
 - Requires ROWD (NOI)
 - Filing Fees (for term of the waiver)
 - No Annual Fees
 - Threat and Complexity (IC, IIC, IIIC)
 - \$400 to \$6,750
 - No Fees if covered by Watershed Group Fee

Fee Categories

TYPE OF DISCHARGER OR DISCHARGE	I C	II C	III C
Watershed Group NOI	X		
District Group NOI	X		
Mutli-Farm Group NOI (>10)		X	
Districts which have operational spills or otherwise discharge		X	
Farms > 200 acres		X	
Farms ≤ 200 acres			X
Organic Farms > 500 acres		X	
Organic Farm ≤ 500 acres			X
Nurseries > 10 acres		X	
Nurseries ≤ 10 acres			X
Farms that discharge only stormwater			X ₁₁

Program Costs

- Storm Water Program
 - 1.5 million dollars/year
 - 11.5 PYs
 - 3,900 industrial and construction sites and 7 large municipal permits
- Irrigated Lands Waiver Program (SW Like)
 - 9.5 million dollars/year
 - 73 PYs
 - 25,000+ Dischargers

Program Costs

	Dischargers	PYs	Program
NPDES	380	30.9	1.8 M
Title 27	300	28.2	1.7 M
Non 15	1,200	27.5	1.6 M
Stormwater	3,900	11.5	1.5 M
Irr. Lands	25,000	4.1	.24 M

Existing Program Needs

Have	Needs
4.1 PYs	10 to 30 PYs
\$242,000	\$600,000 to \$1,800,000
25,000 Dischargers	100 to 1,000 WSG and Dischargers

Identification

- ID of individuals
 - Watershed Group waiver
 - Individual Waiver
 - Waste Discharge Requirements
- What do groups need to look like
 - Location
 - Commodity Groups
 - Operations
- Group Accountability

Monitoring and Reporting

Monitoring and Reporting Program (MRP)

- Objectives and Purpose of MRP
- Type of Monitoring
- Monitoring Constituents
- Minimum and Site Specific Requirements
- Monitoring Seasons
- Quality Assurance Project Plan (QAPP)
- Monitoring Reporting Requirements

Purpose of MRP

- Describe the Minimum Requirements for an acceptable Watershed Monitoring Program
- Watershed Group shall add the site-specific information
- Regional Board review and approve the MRP

Monitoring Objectives

- Assess the sources and impacts of the waste in discharges from irrigated lands
- Evaluate performance of management practices using existing narrative and numeric water quality objectives

Type of Monitoring

- Water Quality (including COCs) and Flow Monitoring
- Management Practice Effectiveness and Implementation Tracking
- Pesticide Use Evaluation
- Toxicity Testing

Monitoring Constituents

Minimum Requirements

- Physical Parameters
- Pesticides
- Metals
- Nutrients
- Pathogens

Minimum Requirements

- All constituents on the 303(d) list
- Sufficient monitoring and frequency of sample collection
- Flow monitoring
- Measurements of water quality parameters

Site Specific Requirements

- The monitoring plan shall include all pesticides (site specific)
- This information can be found in the pesticide use report

Monitoring Seasons

- Storm season, dormant spray application (December to February)
- Irrigation season (March to August)

QUALITY ASSURANCE PROJECT PLAN (QAPP)

- To develop monitoring protocols and a monitoring plan
- A QAPP must be developed by the Watershed Group
- The QAPP includes the laboratory and field requirements

Purpose of QAPP

- Provide standardized references, procedures and quality specifications
- Establishes QA procedures for reviewing and documenting compliance
- Present the minimum acceptable specifications for field and analysis

Purpose of QAPP

- These are standard industry requirements for field and analytical protocols
- Regional Board established these quality assurance procedures in its monitoring protocols

Monitoring and Reporting Program Plan

At a minimum the MRP Plan:

- Description of the Watershed including characteristics relevant to the monitoring
- Summary of the historical data
- Monitoring sites
- Land Use description
- Sampling locations
- GIS showing the land use and sampling locations

Monitoring and Reporting Program Plan

- Monitoring schedule
- Monitoring parameters
- Constituents to be monitored including minimum and site specific requirements
- QAPP consistent with the MRP requirements

Monitoring and Reporting Program Plan

- Laboratory Quality Assurance Manual
 - analytical methods
 - internal quality control (QC) samples
 - frequency of QC sample analyses and acceptance criteria
 - calibration procedures and acceptance criteria
 - instrumentations

Summary

- MRP provides detail information to develop the watershed monitoring plan
- MRP provides specific information to ensure the monitoring plan is accurate

Summary

- Major effort to develop the monitoring plan
- Monitoring Plan submittal - March 2004
- WQ Data submittal - March 2005

Summary

- Staff would like to assist the groups to develop monitoring plans
- MRP is an important step in ensuring that a monitoring plan is developed

Term of Proposed Waiver

- 2 Years vs. 3 years
- Unresolved and Outstanding Issues
- Issues related to EIR and 10-Yr Plan
 - Public Scoping, Comments, WQ data,
- Formation of Watershed Groups
 - Additional Bd Mts, Technical Guidance

Deliverables

Watershed Group

	Dec Waiver	Proposed
Letter of Intent (Persons)	<i>1 Jul 04</i>	30 Jun 03
General Report	30 Jun 03	1 Sep 03
Watershed Description	31 Dec 03	1 Sep 03
Detailed Report	30 Jun 04	1 Mar 04
Management Practices	30 Jun 04	1 Mar 04
Monitoring Plan	30 Jun 04	1 Mar 04

Deliverables

Watershed Group

	Dec Waiver	Proposed
Prioritization of Sub-WS	30 Jun 04	1 Mar 04
Funding Mechanisms	30 Jun 04	1 Sep 03
Initiate WQ Monitoring	1 Jan 05	
Submit WQ Monitoring		1 Mar 05
Annual Reports	30 Jan	1 Mar
Waiver Expires	31 Dec 04	31 Dec 05

Deliverables

Individual Discharger

	Dec Waiver	Proposed
Letter of Intent	<i>1 Jul 04</i>	30 Jun 03
WQ Manage Plan	1 Sep 04	
Initiate Monitoring	1 Nov 04	
NOI, Gen Report		1 Sep 03
Monitoring and Report Program		1 Mar 04
Annual Reports	30 Jan	1 Mar
Waiver Expires	31 Dec 04	31 Dec 05

Conditional Waiver

	Existing	Proposed
Watershed Groups	Yes	Yes
Individuals	Yes	Yes
ROWD (NOI)	No	Yes
Fees	No	Yes
Identification	Yes	Yes
Monitoring Plans	Yes	Yes
Meet WQOs	Yes	Yes
Management Practices	Yes	Yes
Corrective Action	Yes	Yes
Term	2 Years	3 Years

Proposed Changes

- Conditional Waiver Order
 - NOI, Fees, WQO, Conditions
- Monitoring and Reporting Programs
 - Watershed Groups
 - Dischargers
 - QAPP

CEQA

- Initial Study and Neg Dec - 5 Dec 2002
- Modification – Reports
- Revised Neg Dec to include Modification
- Revised Resolution, Attachment A

Irrigated Lands Plan

- Outreach, Newsletter, Web site
- UCD Monitoring, Region-wide Monitoring
- Low Threat Conditional Waiver
 - Small Discharger, Wetlands, Drip Irrigation, Storm Water, Sediment
- Prioritize - Watersheds, COCs, Non Submit
- Additional Waiver(s)
- GIS Resources – Future Data
- Report to Regional Board

Comments

- Time to review and comment
- No Action Alternative
- Identify Dischargers
- Excessive monitoring requirements
- Additional monitoring requirements
- Specific Watershed Criteria
- Accountability for WG and Dischargers
- Annual Fees
- No legal basis for WG Filing Fees

Where Do We Go From Here?

- Dec 02 Waiver
- CEQA Lawsuit, Two Petitions
- UCD Monitoring, Phase II
- EIR for Ten-Year Implementation Plan
- Low Threat Waiver Conditional Waiver
- Outreach – Region wide

Where Do We Go From Here?

(Cont.)

- Keep or Rescind Dec 02 Waiver?
- Deadlines? – Adjust Dec 02 Waiver
- Proposed Waiver Order / MRPs
- Fee Regulations Tack Force
- Watershed Groups
- Direction for July 03 Meeting